

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**


PAULA J. SHAW,	)	
	)	
Plaintiff,	)	Case No. 3:12-cv-247
	)	
v.	)	Judge Haynes
	)	Magistrate Judge Bryant
TENNESSEE DEPARTMENT OF	)	
TRANSPORTATION and KENNETH	)	Jury Demand
JOSEPH CARPENTER, JR., in his	)	
official capacity,	)	
	)	
Defendants.	)	

**AGREED ORDER OF PARTIAL VOLUNTARY DISMISSAL**

It appears to the Court that, by agreement of the parties, Plaintiff Paula Shaw voluntarily dismisses her claims in this case against Defendant Kenneth Joseph Carpenter, Jr. only. The only claims Plaintiff brought against Defendant Carpenter were *Ex Parte Young* claims for injunctive relief, including potential reinstatement and/or other appropriate equitable relief and attorney's fees and costs, based on interference and retaliation theories under the Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 *et seq.* (FMLA). (ECF No. 1, Compl. at ¶ 30). Defendant Tennessee Department of Transportation (TDOT) has agreed to waive its *Eleventh Amendment* immunity as to these claims for purposes of this case only and has consented that Plaintiff Shaw may proceed on her *Ex Parte Young* claims under the FMLA against TDOT instead of Kenneth Joseph Carpenter, Jr., along with her other claims against it under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* (Title VII) and the Rehabilitation Act of 1973, 29 U.S.C. § 701, *et seq.* (RA).

Accordingly, Plaintiff Shaw's FMLA interference and retaliation claims against Defendant Carpenter are dismissed with prejudice. Those FMLA claims and her claims under Title VII and the RA against Defendant TDOT are not dismissed and remain for adjudication.

It is so ORDERED.

  
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Honorable William J. Haynes, Jr.  
United States District Judge

Approved for Entry:

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